

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JESSICA T. BADILLA, et al.,  
Plaintiffs,

v.

**ORDER**  
12-CV-1066-A

NATIONAL AIR CARGO, INC., et al.,

Defendants.

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This action was referred to Magistrate Judge Jeremiah J. McCarthy for the conduct of pretrial proceedings pursuant to 28 U.S.C. § 636(b)(1). On October 23, 2014, Magistrate Judge McCarthy filed a Report and Recommendation recommending plaintiffs' supplemental motion to remand the action to Supreme Court, State of New York, County of Erie, be denied. The Court has carefully reviewed the Report and Recommendation, the record in the case, and the pleadings and materials submitted by the parties, and no objections to the Report and Recommendation having been timely filed, it is hereby

**ORDERED**, pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation concerning federal-officer removal under 28 U.S.C. § 1442(a) (Dkt. No. 71), plaintiffs' supplemental motion to remand the action to Supreme Court, State of New York, County of Erie (Dkt. No. 60) is denied. *See generally Cuomo v. Air Liquid Sys.. Corp., et al.*, No. 13-4510-cv, slip op.

6-7 (2d Cir., Nov. 13, 2014).

The case is recommitted to Magistrate Judge McCarthy for further proceedings consistent with the Text Order Referring Case (Dkt. No. 13).

**IT IS SO ORDERED.**

*Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: November 13, 2014